

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DESIREE PURVENAS HAYES,	:	CIVIL ACTION
	:	NO. 22-2277
Plaintiff,	:	
	:	
v.	:	
	:	
SALTZ, MONGELUZZI & BENDESKY,	:	
P.C., et al.	:	
	:	
Defendants	:	

**O R D E R**

**AND NOW**, this **18th** day of **October, 2022**, after considering Defendant Saltz, Mongeluzzi & Bendesky, P.C.'s Motion to Compel Discovery Responses [ECF No. 18], it is hereby **ORDERED** that the Motion is **DENIED WITHOUT PREJUDICE**.<sup>1</sup>

---

<sup>1</sup> Defendant has indicated that the discovery requests at issue here were Early Rule 34 Requests under Rule 26(d)(2). Def.'s Mot. to Compel at 4, ECF No. 18. But, Early Rule 34 Requests are not considered served under Rule 26(d)(2)(B) until the date of "the first Rule 26(f) conference." Accordingly, Plaintiff has until "30 days after the parties' first Rule 26(f) conference" to respond to the discovery requests. Fed. R. Civ. P. 34(b)(2)(A).

Defendant's Motion is thus premature. The Court has not yet ordered a Joint Rule 26(f) report or issued a scheduling order outlining the discovery deadlines. The parties have also not provided any indication that they have stipulated to their own discovery deadlines. See Fed. R. Civ. P. 26(a)(1)(C) (requiring the exchange of initial disclosures within 14 days of a Rule 26(f) conference); Fed. R. Civ. P. 26(d) (stating that discovery beyond initial disclosures cannot proceed until after a 26(f) conference unless there has been a stipulation or Court order stating otherwise). Moreover, time remains for Plaintiff to file her Second Amended Complaint, which could alter the scope of

AND IT IS SO ORDERED.

*Eduardo C. Robreno*  
\_\_\_\_\_  
EDUARDO C. ROBRENO, J.

---

discovery further. If Plaintiff fails to timely produce the requested documents following the Rule 26(f) conference and issuance of a scheduling order, Defendant may again move to compel the production of such documents.